

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

**GLADYS GARCIA-RUBIERA, et al.,
Plaintiffs,**

v.

**HON. LUIS G. FORTUÑO, et al.,
Defendants.**

Civil No. 02-1179 (GAG)

ORDER RE: INJUNCTIVE RELIEF

On January 9, 2012, this court declared that the Commonwealth of Puerto Rico's motor vehicle insurance premium reimbursement scheme, as embodied in Law 230 of September 11, 2002 and its companion amendments and regulations ("Law 230"), violates the notice requirements of the Due Process Clause. The plaintiff class—all motor vehicle owners in the Commonwealth of Puerto Rico who during the years 1997 to 2007 have paid the compulsory motor vehicle insurance premiums and have also acquired traditional insurance and have not been reimbursed for the compulsory insurance premiums—is also entitled to an injunction providing adequate public and individualized notice of reimbursement procedures to insureds owed reimbursement. The Governor of Puerto Rico, the Honorable Luis G. Fortuño, and the Secretary of the Treasury of the Commonwealth of Puerto Rico, the Honorable Jesús F. Méndez Rodríguez (collectively, "defendants"), are therefore **ORDERED AND ENJOINED** as follows, effective immediately:

At least 150 days before any premiums held by JUA are transferred to the Secretary of the Treasury, defendants shall compile the names and addresses of all motor vehicle owners who have

paid the compulsory motor vehicle insurance premiums and have also acquired traditional insurance and have not been reimbursed for the compulsory insurance premiums, and whose premiums are pending transfer to the Secretary of the Treasury. If the names or addresses of such owners are unknown, defendants shall obtain that information from the Joint Underwriters Association (“JUA”) and from traditional insurers in the Commonwealth of Puerto Rico. As to such owners whose premiums were transferred before the date of this order, or will be transferred less than 150 days after the date of this order, defendants shall compile this information about them no later than October 1, 2012.

At least 120 days before any premiums held by JUA are transferred to the Secretary of the Treasury, defendants shall: (1) publish a notice in at least one English-language newspaper of general circulation and one Spanish-language newspaper of general circulation; (2) publish a notice online until the later of (a) January 29, 2013 or (b) the date on which the Secretary of the Treasury has held such premiums for five years; and (3) mail individualized notices to those owners whose addresses are known. As to such owners whose premiums were transferred before the date of this order, or will be transferred less than 120 days after the date of this order, defendants shall provide notice to them no later than November 1, 2012.

In publishing or mailing notice, defendants shall state (1) the owner’s entitlement to a refund, (2) the date of the transfer of the premium to the Secretary of the Treasury, (3) the text of Treasury Procedure 96, and (4) the portions of Law 230, as amended, under which the premiums escheat to the Commonwealth. As to those owners whose premiums were transferred to the Secretary of the Treasury on or before November 29, 2007, defendants shall further notify them that notwithstanding Law 230, a grace period to claim reimbursement will be extended until January 29, 2013.

No later than October 1, 2012, defendants shall publish the text of Treasury Procedure 96

online, in full, and make free copies available at any Commonwealth office that collects JUA premiums.

Until January 30, 2013, defendants shall not deny a reimbursement on grounds that the Secretary of the Treasury has held the premium for five or more years.

The court shall retain jurisdiction of this matter until further order of the court, with power to enforce provisions of this Permanent Injunction by all means, writs, and remedies available to it, including, but not limited to, the exercise of its power of contempt for violation of the terms thereof.

SO ORDERED.

In San Juan, Puerto Rico this 5th of July, 2012.

s/ Gustavo A. Gelpí
GUSTAVO A. GELPI
United States District Judge